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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,068	03/28/2000	Ronald P. Doyle	RSW9-2000-0002-US1	5371

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EXAMINER

WRIGHT, NORMAN M

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/537,068

Applicant(s)

DOYLE, RONALD P.

Examiner

Norman M. Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

NORMAN M. WRIGHT
PRIMARY EXAMINER

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7, 16, 10-13, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Crane et al., U.S. Pat. No. 6,510,236 B1, hereinafter '236.

As to claims 1-4, 7, 16, and 10-13, '236 teaches the claimed invention of an authentication framework for managing authentication request comprising: a compute program product for use with biometrics, a pervasive device, capturing biometric data, a first or second party/user, a reader, means for identifying by comparing stored data, capturing biometric data, transmitting, retrieving, and returning information/authentication token, access rights/tokens, locally stored data, and a photograph {biometrics, picture/scan of finger, palm, eye etc}, and a remote server, a trusted application server, (abs., figs. 1-4, col. 1, lines 45 et seq., col. 2, lines 20 et seq., col. 3, lines 8-13, 29-32, and 47-67, col. 4, lines 25 et seq., col. 5, lines 1-40, claim 23, col. 6, line 25 et seq.).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6, 14-15, 8-9,17-18, and 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over '236 as applied to claims 1-4, 7, 16, and 10-13 above, and further in view of Maes et al., U.S. Pat. No. 6,016,476, hereinafter '476.

5. As to claim 5-6, and 14-15, '236 do not explicitly teach the retrieval of information from a protected non-locally accessible data means, or filtered data. '476 teaches filtering and, non-locally accessible data (abs., figs. 1 and 5-6, col. 1, lines 14 et seq., col. 2, lines 24 et seq., col. 3, col. 5, lines 25 et seq., and col. 7, lines 5 et seq.) It would have been obvious to one of ordinary skill in the art at the time of the invention, to augment the invention of '236 with a means providing a portable information and transaction system utilizing biometrics as disclosed in '476. One of ordinary skill in the art would realized the advantages of not providing any additional information that may not be locally accessible on the pervasive device, within a transaction system. One of ordinary skill in the art would have been motivated to perform such a modification, because, one of ordinary skill would have had a desire not to transmit any additional personal authentication information to a device that did not possess it, as a means of safeguarding the confidentiality and integrity of one's personal data. With such a desire in mind one could not only safeguard information that a device is not purvey to, but,

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stop the erroneous transfer of another personal information (col. 7, lines 5-10 et seq.).

'476 also recites that it may be used in a security system to access applications and systems for a device or building (col. 2, lines 50-60 et seq.), therefore, it would lends itself well to the uses described in the invention of '236.

6. As to claims 8-9, and 17-18, '236 does not explicitly teach the transmission of a trusted message or a secure meeting where the coded means is used to identify attendees at a meeting. '467 teach the use of transmitting trusted messages (col. 2, lines 23-67 et seq., col. 3, lines 15-35 et seq., and 40-67 et seq.) and, providing access to a secure building via the use of a pervasive device or code (col. 2, lines 50-58).

7. As to claims 19-27, they recite a concomitant of previously recited elements and therefore fail to distinguish over the above rejected claims, accordingly, they are rejected under the same rationale, see above.

Response to Arguments

Applicant's arguments filed 12/6/04 have been fully considered but they are not persuasive. The distinction between party, users, clients and device users is not understood. The possessor of a device /party may use his device to authenticate another party/device/client/user which maybe broadly interpreted as parties. Party maybe broadly construed as a group or individual participating in an activity, therefore, clients, users and devices user would all classify as parties.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Norman M. Wright at telephone number (703) 305-9586.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (703) 305-9586. The examiner can normally be reached on Mondays from 8am to 5 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse, can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


NORMAN M. WRIGHT
PRIMARY EXAMINER